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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,324	01/31/2002	Kirk B. Brown	004-6912	3980
32658	7590	02/14/2006		
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			EXAMINER POLLACK, MELVIN H	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/062,324	Applicant(s) BROWN, KIRK B.	
	Examiner Melvin H. Pollack	Art Unit 2145	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-8, 11-26, 30-39 and 41-45.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


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SUPERVISORY PATENT EXAMINER

MHP

Continuation of 11. does NOT place the application in condition for allowance because: the examiner finds the arguments set forth regarding the art to be non-persuasive.

The examiner maintains that Merz teaches evaluation of a data packet to send requests to particular servers based on language, and that Larson performs a similar feature based upon browser type. Merz teaches the usage of multiple languages (Fig. 18), wherein the language of a request is parsed (Fig. 22) to handle users that speak different languages (Figs. 23 and 24). Larson teaches the handling of people with different devices, i.e. one user may have a device that cannot handle images or that can handle only a few images, or browser types of a certain protocol such as HTTP or WAP (Para. 120 and 121). Further, Colby was shown in a prior action that it can handle users of different types by studying the content request for a trigger. Therefore, one could combine to Colby a teaching in which a different trigger is utilized.

As for applicant's request for clarification as to what section of Colby is a proxy, it is the content-aware flow switch (Fig. 1c, #110). While the router-switch configuration (Fig. 1b) would still fulfill the claims as drawn (col. 5, lines 27-47, esp lines 40-45), the examiner utilizes the particular structure detailed in Fig. 1c and in col. 5, lines 48-67, as shown by the descriptions in claim 1.

As for applicant's request for clarification as to how Besser is being used in virtual proxy methods, Besser teaches not only the existence of virtual network addresses, but also the manipulation of IP packets by adding and removing virtual addresses from the packet via the proxy, the purpose being that a switch can direct the path and destination of the packet.

The applicant alleges that Colby does not expressly disclose that rules are used to select IP addresses. The applicant's claimed usage of Colby, however, would seem to indicate the usage of rules wherein content matching is utilized. The applicant's argument requires a narrower rules definition for consideration. The examiner defines application of rules as simply any method of decision making based upon non-changing, non-random considerations.

As for applicant's request for clarification as to Besser's detection and usage of data key strings, Besser teaches that certain decisions on how to process packets are based on a distinctive sequence of bits, and the examiner considers this distinctive sequence to be functionally equivalent to a data key string, as such strings would be represented as a sequence of bits. These strings indicate, for example, that a request message should be examined for its content, and not ignore the request datagram. The usage of tunneling is also indicated.

For the above reasons, the rejection is maintained. Further clarification and discussion of such issues will be provided in response to an RCE or Notice of Appeal.